APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,635	05/31/2001	Kevin Athcy	17887-009100US	1713

20350 7590 12/30/2005		EXAMINER
TOWNSEND AND TOWNSEND AND CREW, LLP		PWU, JEFFREY C

ART UNIT	PAPER NUMBER
2143	

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DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>13 October 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-15 and 17-29</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>15,17 and 18</u> is/are allowed.

6)☒ Claim(s) <u>1-14 and 19-29</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

2.   Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing

to particularly point out and distinctly claim the subject matter which applicant regards as the

invention. Claim 1 is vague and indefinite because it is unclear how does the transaction

identifies the set of instructions for storing a formatted content or how does the transaction

allows an end server to execute the set of instructions identified by the transaction if the

formatted content is desired by the end server?

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-14 and 19-29 are rejected under 35 U.S.C. 102(e) as being anticipated by

DeBetencourt et al. (U.S. 6,279,001).

As closely interpreted by the examiner, DeBetencourt et al. discloses:

A method delivering content from a plurality of sources to a plurality of end servers through a

central manager, the method comprising:

• receiving the content from the plurality of sources at the central manager; (90)

• formatting the content (http) to a form usable by the plurality of end servers; (102)

creating a transaction generic to the plurality of end servers, wherein the transaction identifies a

set of instructions for storing the formatted content; (col.2, lines1-4)

• sending the transaction to an end server in the plurality of end servers, wherein the transaction

allows the end server to execute the set of instructions identified by the transaction if the

formatted content is desired by the end server, the set of instructions storing the formatted

content into the memory of the end server. (fig.3; col.4, lines 19-54; col.5, line 58-col.6, line 43)

• sending the stored formatted content to a plurality of clients. (col.8, line 64-col.9, line 44)

• storing the transaction in a storage device. (106)

• wherein the storage device is a cache. (106; col.8, line 64-col.9, line 44)

• determining if the transaction is current. (abstract; col.3, line 41-col.4, line 5; col.10, line 62-

col.11, line 5)

- wherein determining if the transaction is current comprises reading a flag indicating the

transaction is not current. (col.7, lines 27-50)

- requesting prior transactions from the storage when the transaction is not current; and receiving

the prior transactions from the storage. (col.7, lines 27-50)

- wherein the transaction includes content identifying information ("pointer to other requests";

col.4, lines 19-54)

Response to Arguments

5.   Applicant's arguments with respect to claim 1 have been considered but are moot in view

of the new ground(s) of rejection.

6.   With respect to applicant's argument that DeBetencourt reference fails to teach "creating

a transaction generic to a plurality of end users, which identifies a set of instructions for storing

content formatted to a forma useable by the plurality of end servers, and which is sent to an end

server to allow the end server to execute the set of identified instructions to store the formatted

content into the memory of the end server". In contrary, DeBetencourt discloses a method

delivering content from a plurality of sources to a plurality of end servers through a central

manager, the method comprising:

- receiving the content from the plurality of sources at the central manager; (110; Also see col.4,

lines 19-54)

• formatting the content ("http" format; "the web page request can be made using hypertext transfer protocol froamt, and also can be made using other protocols that provide request capability") to a form usable by the plurality of end servers; (host 100 may have any number of servers running on it, 102C-1, 102C-2, ..., 102C-X)

• creating a transaction generic to the plurality of end servers, wherein the transaction identifies a set of instructions for storing the formatted content; (col.4, lines 19-54)

• sending the transaction to an end server in the plurality of end servers, wherein the transaction allows the end server to execute the set of instructions identified by the transaction if the formatted content is desired by the end server, the set of instructions storing the formatted content into the memory of the end server. (fig.3; col.4, lines 19-54; col.5, line 58-col.6, line 43; "The web server 102 can be any web server that serves web pages in response to web page requests made over a computer network. In this context, a web page is an electronic document that can be made available on a computer network such as the World Wide Web in response to a web page request. An example of a web page is a data file that includes computer executable or interpretable information, graphics, sound, text, and/or video, that can be displayed, executed, played, processed, and/or stored and that can contain links, or pointers, to other web pages. Two examples of such web servers are commercially available as the Netscape Enterprise Server.TM. and the Microsoft Internet Information Services Server.TM.. The web server 102 is capable of receiving web page requests from web clients, also referred to as browsers. A web page request from a browser can also be referred to as a "hit." The browsers can be operated by users, making web page requests. Browsers can also be operated by a computer or computer program, and make requests based on the computer's programming. The web page requests can be made using

hypertext transfer protocol ("http") format, and also can be made using other protocols that provide request capability. Often the web page requests are part of a series of communications with the web server 102 involving several requests and responses, referred to as a session. The user interacts with a web server 102 by making an initial request of the web server 102, which results in the web server 102 sending a web page in response. The web page can contain information, and also pointers to other requests that the user can make of the web server 102. Sometimes the requests are for information that must be retrieved from a database. Sometimes the request includes information to be stored in a database. Sometimes the request requires processing by the web server 102, or interaction with another computer system. Sophisticated web servers and browsers can interact in various ways.)

Therefore, DeBetencourt clearly teaches creating a transaction generic to a plurality of end users, which identifies a set of instructions for storing content formatted to a format useable by the plurality of end servers, and which is sent to an end server to allow the end server to execute the set of identified instructions (pointers to other requests) to store the formatted content into the memory of the end server.

Allowable Subject Matter

7.   Claims 15, 17-18 are allowed.

Conclusion

8.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

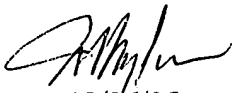policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jeffrey C. Pwu whose telephone number is 571-272-6798.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12/26/05

**JEFFREY PWU
PRIMARY EXAMINER**